# Privacy Policy and Procedures

St Joseph's Primary School Red Cliffs (SJPS) operates with the consent of the Bishop of the Catholic Diocese of Ballarat and is operated and governed by the Diocese of Ballarat Catholic Education Limited (DOBCEL).

## Policy Statement

This policy sets out how personal information provided to or collected by SJPS is managed, to ensure SJPS acts in accordance with relevant legislative requirements.

## Context

SJPS recognises the importance of privacy and is committed to protecting personal information which may be collected, held and stored.

SJPS is bound by a range of privacy legislation, including the applicable privacy principles (APPs) under the *Privacy Act 1988 (Cth)*. In relation to health records, this school is also bound by the *Health Records Act 2001 (Vic.)* and the Health Privacy Principles in that Act.

## Scope

This policy applies to information held and acquired by SJPS.

## Data and Information Collection

### Types of Information Collected

The type of information that SJPS collects includes (but is not limited to) personal information, including health and other sensitive information, about:

- students and parents/guardians/carers before, during and after the course of a student's enrolment at the school, including:
    - name, contact details (including next of kin), date of birth, gender, language background, previous school and religion
    - parents' education, occupation, language spoken at home, nationality and country of birth
    - health information (e.g., details of disability and/or allergies, dietary requirements, absence notes, immunisation details, medical reports and names of doctors)
    - conduct and complaint records, or other behaviour notes, and school reports
    - information about referrals to government welfare agencies
    - counselling reports
    - health fund details and Medicare number
    - Court orders
    - criminal records
    - volunteering information (including Working with Children Checks)
    - photos and videos taken at school events
- job applicants, volunteers and contractors, including:
    - name, contact details (including next of kin), date of birth, and religion

- information on job application
- professional registrations, including Victorian Institute of Teaching registrations
- screening information, including Working with Children Checks (WWCC) and or National Police Record Checks
- professional development history
- salary and payment information, including superannuation details
- health information (e.g. details of disability and/or allergies, and medical certificates)
- complaint records and investigation reports
- leave details
- photos and videos at school events
- workplace surveillance information, in accordance with the *Surveillance Devices Act 1999 (Vic)*
- work emails and private emails (when using work email address) and Internet browsing history

- other people who come into contact with DOBCEL, including name and contact details and any other information necessary for the particular contact with DOBCEL.

**Exception in relation to employee records**
Under the *Privacy Act*, the Australian Privacy Principles do not apply to an employee record. As a result, this Privacy Policy does not apply to the school's treatment of an employee record where the treatment is directly related to a current or former employment relationship between SJPS and an employee.

Any exemptions will take priority over this policy to the extent of any inconsistency. The aim is to comply by incorporating the Australian Privacy Principles and manage personal information with a high degree of diligence and care.

This exemption does not extend to job applicants, contractors, or other privacy obligations such as tax file number requirements and health privacy laws.

SJPS handles staff health records in accordance with the Health Privacy Principles in the *Health Records Act 2001* (Vic.).

**Anonymity**
SJPS needs to be able to identify individuals with whom it interacts and to collect identifiable information about them to facilitate the delivery of schooling to students and its educational and support services, conduct job application processes and fulfil other obligations and processes. However, where practicable, in some limited circumstances some activities and interactions with DOBCEL may be done anonymously, which may include making an inquiry, complaint or providing feedback.

# Legislative Context (if applicable)

*Australian Education Act 2013 (Cth)*
*Australian Education Regulation 2013 (Cth)*
*Health Records Act 2001 (Vic.)*
*Privacy Act 2001 (Cth)*

## Definitions specific to this policy

| TERM | DEFINITION |
|---|---|
| APP Entity | An organisation or other entity regulated by the *Privacy Act 1988 (Cth)*. |
| APP Guidelines | *Australian Privacy Principles Guidelines* published by the OAIC. |
| Data Breach | Actual unathorised access or disclosure of personal information, or the loss of personal information where the loss is likely to result in unauthorised access or disclosure. |
| Health information | Is information or opinions about an identifiable person's physical, mental or psychological health or disability. Health information is a type of personal information which, because of its sensitivity, also has different and stronger legal protections.<br>Health information is regulated in Victoria under the *Health Records Act 2001 (Vic).* |
| OAIC | Office of the Australian Information Commissioner. |
| Personal information | Is recorded information or opinion, whether true or not, about a person whose identity is apparent, or can reasonably be ascertained, from the information. The information or opinion can be recorded in any form. A person's name, address, phone number and date of birth (age) are all examples of personal information. |
| Sensitive information | Is a type of personal information with stronger legal protections due to the risk of discrimination. It includes information or opinion about an identifiable person's racial or ethnic origin, political opinions or affiliations, religious beliefs or affiliations, philosophical beliefs, sexual orientation or practices, criminal record, or membership of a trade union.<br>Personal and sensitive information is regulated in Victoria under the *Privacy and Data Protection Act 2014 (Vic)*. |
| | **Note:** De-identified information about individuals can become personal information if it is re-identified or if it is at high risk of being re-identified, for example, if it is released to the public or is a small sample size. |

# Procedures

## Collection of Personal Information

**Personal information provided by an individual**
SJPS will generally collect personal information about an individual directly from the individual (or parents in the case of students). This includes by way of forms, face-to-face meetings and interviews, emails and telephone calls. On occasions people other than parents and students provide personal information.

**Personal information provided by other people**
In some circumstances SJPS may be provided with personal information about an individual from a third party, for example a report provided by a medical professional, a reference from another school or a reference for a job applicant. If a student transfers to a new school, the new school may collect personal information about the student from the student's previous school to facilitate the transfer of the student and to enable the new school to exercise its duty of care.

**Enrolment applications within the diocese**
If an enrolment application is made to two (or more) schools in the same diocese, the personal information provided during the application stage may be shared among the schools. This personal information is used for the purpose of considering and administering the enrolment of the student within the diocese and may include health information.

**Personal information from other sources**
SJPS may also collect personal information through surveillance activities (such as CCTV security cameras) and student / staff email monitoring.

## Collection, Use and Disclosure of Personal Information

The purposes for which SJPS collects, uses and discloses personal information depends on the relationship with the individual and includes, but is not limited to, the purposes set out below.

**Students and Parents**
In relation to personal information of students and parents, the primary purpose of collection is to enable the school to provide a quality catholic education to the student, exercise its duty of care and perform necessary associated administrative activities, which will enable students to take part in all the activities of the school. This includes satisfying the needs of the parents, the student, DOBCEL and the school throughout the whole period the student is enrolled at the school.

The other purposes for which personal information of students and parents may be used, include (but are not limited to):

- keeping parents informed about matters related to their child's schooling, through correspondence, newsletters and magazines
- day-to-day administration of the school
- looking after students' educational, social, and medical wellbeing
- seeking donations and marketing for the school
- meeting the school's legal obligations and allow the school to discharge is duty of care
- satisfying the school service providers' legal obligations, including the Victorian Catholic Education Authority (VCEA) and DOBCEL.

**Volunteers**
SJPS may obtain personal information about volunteers who assist the school in their functions or to conduct associated activities, such as alumni associations, to enable the school and the volunteers to work together. This may include:

- managing the engagement process of volunteers
- for insurance
- satisfying the legal obligations, for example, in relation to child protection
- to confirm their suitability and to manage their visits.

**Job applicants and contractors**
In relation to the personal information of job applicants, staff members and contractors, SJPS, the primary purpose of collection is to assess and (if successful) engage the applicant, staff member or contractor, as the case may be.

The purposes for which a school uses and discloses personal information of job applicants, staff members and contractors include:

- verifying and screening job applicants and contacting nominated referees
- administering the individual's employment or contract or executing a contract, as the case may be
- seeking donations and marketing for the relevant school (see the 'Fundraising' section of this Privacy Statement)
- insurance purposes
- satisfying the school's legal obligations, for example, in relation to child protection legislation.

**Counsellors**
SJPS may contract with external providers to provide counselling services for some students. The Principal may require the Counsellor to inform them or other teaching staff of any issues the Principal and the Counsellor believe may be necessary for the school to know for the wellbeing or development of the student who is counselled or for that of other students at the school.

**Parish**
SJPS may disclose limited personal information to the school parish to facilitate religious and sacramental programs, and other activities such as fundraising. Prior permission would be required to obtain personal information for fundraising purposes.

**Marketing and fundraising**
SJPS treats marketing and seeking donations for the future growth and development of the school as an important part of ensuring that the school continues to provide a quality learning environment in which both students and staff thrive. Personal information held by the school may be disclosed to organisations that assist in the school's fundraising, for example, the school's foundation or alumni organisation, or on occasion, external fundraising organisations.

Parents/guardians/carers, staff, contractors, and other members of the wider school community may from time to time receive fundraising information. School publications, like newsletters and magazines, which include personal information and sometimes people's images, may be used for marketing purposes.

**Data Integrity**
Personal information must be collected only as necessary, in accordance with the above, and activities must comply with legal or regulatory obligations. Personal information must always be collected by lawful and fair means, not in an unreasonably intrusive way.

SJPS must take steps to ensure that the personal information collected, used and disclosed is accurate, up to date and complete. These steps include maintaining and updating personal information when advised by individuals that their personal information has changed, and at other times as necessary.

## Disclosure of Personal Information

SJPS disclose personal information, including sensitive information, held about an individual for educational, legal, administrative and support purposes. This may include providing information to:

- school service providers which provide educational, support and health services to the school, either at the school or off campus
- people providing educational support such as sports coaches, volunteers, counsellors, sports coaches and providers of learning and assessment tools
- third party service providers that provide online educational and assessment support services, document and data management services, training and support services, hosting services, and software-as-a-service applications
- authorised agencies and organisations to enable the school to discharge its responsibilities, e.g. under the *Australian Education Regulation 2013 (Regulation)* and the *Australian Education Act 2013 (Cth)* relating to students with a disability, including Nationally Consistent Collection of Data (NCCD) quality assurance processes, participation in the Australian Early Development Census (AEDC) and government audits
- authorised organisations and persons who support the school by providing consultative services or undertaking assessments for the purpose of educational programming or providers of health services such as counsellors, psychologists, school nursing services, dental vans. Specific consent is obtained to collect and disclose this type of sensitive and health information as part of a service request which may include release of relevant medical or allied health reports, educational planning and evaluation documents such as personalised learning/behaviour/medical management plans
- other third parties which the school uses to support or enhance educational or pastoral care services for its students or to facilitate communications with parents / guardians / carers
- support the training of selected staff in the use of the school's systems
- another school including to its teachers to facilitate the transfer of a student
- federal and state government departments and/or agencies engaged by them
- health service providers
- recipients of school publications, such as newsletters and magazines
- students/parents / guardians / carers and their emergency contacts
- assessment and educational authorities including the Victorian Curriculum and Assessment Authority (VCAA) and the Australian Curriculum, Assessment and Reporting Authority (ACARA)
- anyone to whom the parent / guardian / carer authorises the school to disclose information
- anyone to whom the school is required or authorised to disclose the information by law, including under child protection and information sharing laws.

**Exception in relation to related schools**

The *Privacy Act* allows each school, being legally related to each of the other schools conducted by DOBCEL to share personal (but not sensitive) information with other schools conducted by DOBCEL. Other DOBCEL schools may then use this personal information for the purpose for which it was originally collected by the school, or another purpose that is permitted by the *Privacy Act*. This allows schools to transfer information between them, for example, when a student transfers from a DOBCEL school to another school conducted by DOBCEL.

**Nationally Consistent Collection of Data on School Students with Disability**
**SJPS** is required by the *Australian Education Regulation 2013 (Cth)* and *Australian Education Act 2013* (Cth) to collect and disclose certain information to inform the Students with a Disability (SwD) loading via the NCCD. The school provides the required information at an individual student level to an approved authority. Approved authorities must comply with reporting, record-keeping and data quality assurance obligations under the NCCD. Student information provided to the Federal Government for the purpose of the NCCD does not explicitly identify any student.

**Storage of Personal Information**
SJPS may store personal information in hard copy and electronically.

**Sending and storing information overseas**
SJPS may disclose personal information about an individual to overseas recipients, for instance, to facilitate a school exchange or a student overseas tour. However, the school will not send personal information about an individual outside Australia without:

- obtaining the consent of the individual
- otherwise complying with the Australian Privacy Principles or other applicable privacy legislation.

SJPS may from time to time use the services of third-party online service providers (including for the delivery of services and third-party online applications, or apps relating to email, instant messaging and education and assessment, such as Google G Suite and Gmail). Some personal information, including sensitive information, may be collected and processed or stored by these providers in connection with these services. These online service providers may be located in or outside Australia.

School personnel and the school's service providers may have the ability to access, monitor, use or disclose emails, communications (e.g. instant messaging), documents and associated administrative data for the purposes of administering the system and services ensuring their proper use.

The school makes reasonable efforts to be satisfied about the security of any personal information that may be collected, processed and stored outside Australia, in connection with any cloud and third-party services and will endeavour to ensure the cloud is located in countries with substantially similar protections as the Australian Privacy Principles.

The countries in which the servers of cloud service providers and other third-party service providers are located within and outside Australia.

Where personal and sensitive information is retained by a cloud service provider on behalf of the school to facilitate human resources and staff administrative support, this information may be stored on servers located in or outside of Australia.

## Sensitive Information

Sensitive information is understood to be information relating to a person's racial or ethnic origin, political opinions, religion, trade union or other professional or trade association membership, philosophical beliefs, sexual orientation or practices or criminal record, that is also personal information, health information and biometric information about an individual.

Sensitive information will be used and only disclosed for the purpose for which it was provided or a directly related secondary purpose, unless the parent / guardian / carer agrees otherwise, or the use or disclosure of the sensitive information is allowed by law.

## Management and security of personal information

SJPS staff are required to respect the confidentiality of individuals' personal information and the privacy of individuals. These obligations apply both to where the information is held at SJPS premises or where the information is held by service providers.

SJPS has in place steps to protect the personal information SJPS holds from misuse, interference and loss, unauthorised access, modification, or disclosure by use of various methods including locked storage of paper records and password access rights to computerised records. This includes responding to any incidents which may affect the security of the personal information it holds. If SJPS assesses that anyone whose information is affected by such a breach is likely to suffer serious harm as a result, DOBCEL will notify them and the Office of the Australian Information Commissioner of the breach.

SJPS recommends that all persons adopt secure practices to protect themselves and their data, including ensuring that all passwords used are strong and regularly updated and that applicable log in details are kept secure. Personal information should not be shared with anyone without first verifying their identity and organisation. If an individual believes any of their personal information has been compromised, they should let DOBCEL or the school know immediately.

## Access and Correction

Under the *Privacy Act* and *Health Records Act*, an individual has the right to seek and obtain access to, and/or correction of, any personal information and health records which SJPS holds about them and to advise of any perceived inaccuracy.

**Student Data**
There are some exceptions to these rights as set out in the applicable legislation. To make a request to access or to update any personal information about parents/guardians/carer or children, SJPS should be contacted directly by telephone or in writing. SJPS may require verification of identity and specification of what information is required. A fee may be charged to cover the cost of verifying the application and locating, retrieving, reviewing and copying any material requested. If the information sought is extensive, SJPS will advise in advance the likely cost. If SJPS cannot provide access to that information, written notice will be provided explaining the reasons for refusal.

There may be circumstance where the reason for refusal is not provided if doing so may breach the privacy of another person.

**DOBCEL Employees**
Subject to some exceptions under privacy laws, employees have the right to see and have a copy of their personal information and to advise SJPS of any changes necessary if the information is not correct.

Where SJPS decides not to make a requested correction to the personal information and the employee disagrees, they may request that a note of the requested correction with the information be placed in their personnel file.

## Consent and rights of access to the personal information of students

SJPS respects every parent's/guardian's/carer's right to make decisions concerning their child's education.

Generally, SJPS will refer any requests for consent and notices in relation to the personal information of a student to the student's parents. SJPS will treat consent given by parents as consent given on behalf of the student and notice to parents will be interpreted as notice given to the student.

While parents may seek access to personal information about them or their child held by SJPS, by contacting the school Principal (see contact details below), there will be occasions when access is denied. Such occasions would include where release of the information would have an unreasonable impact on the privacy of others, or where the release may result in a breach of SJPS duty of care to a staff member or student.

On the request of a student, SJPS may, at its discretion, grant that student access to information about them held by the school, or allow a student to give or withhold consent to the use of their personal

information, independently of their parents. Normally, this would be done only when the maturity of the student and/or the student's personal circumstances warrant it.

## Enquiries and complaints

If parents/guardians/carers would like further information on this Policy / Procedures or wish to complain that SJPS has allegedly breached the Australian Privacy Principles, they should contact the school Principal in writing at:

Principal
St Joseph's Primary School
17 Fitroy Ave, Red Cliffs
Email: principal@sjredcliffs.catholic.edu.au

The school will investigate the complaint and will notify the parent / guardian / carer of the making of a decision in relation to the complaint as soon as is practicable after it has been made.

If the parents / guardians / carers are not satisfied with the school's decision, a complaint in relation to an alleged breach of the Australian Privacy Principles can be made to the DOBCEL Privacy Officer at

DOBCEL Privacy Officer
Diocese of Ballarat Catholic Education Ltd
200 Gillies Street North
LAKE WENDOUREE 3350
Phone 03 4344 4350
Email: to execdirector@dobcel.catholic.edu.au

DOBCEL will investigate all complaints and notify of a decision in relation to the complaint as soon as practicable after the decision has been made. If an individual is not satisfied with the DOBCEL decision, they may make a complaint to the Office of the Australian Information Commissioner (OAIC). Contact details are:

GPO Box 5218, Sydney, NSW 2001
Telephone: 1300 363 992

An online privacy complaint form is available from www.oaic.gov.au.

| | |
|---|---|
| **Policy Owner** | **School Principal** |
| **Approval Date** | **03 March 2025** |